

REMARKS

This responds to the Office Action mailed January 24, 2006 for the above application in which claims 1-34 and 42-55 are now pending. Reconsideration of the application and claims in light of the following is requested.

Art Rejections

In paragraph 2 of the Office Action, claims 1-55 were rejected as being unpatentable for obviousness over U.S. Patent No. 5,909,294 (“Doerr”) in view of U.S. Patent No. 6,049,+52 (“Deacon”). In light of the cancellation of claims 35-41, the rejection of those claims is moot. With respect to the pending claims, the rejection is respectfully traversed.

It is respectfully submitted that Office Action rejection of claims 13 and 42 is improper in that it ignores specific aspects recited in those claims – namely the “grouping trenches.”

In addition, the Office Action rejects claim 33 by parroting the entire claim followed by an assertion that such disclosure is found in “(specification of Deacon)” – a patent containing 37 columns of description. This type of rejection is heavily frowned upon by the M.P.E.P., the Board of Patent Appeals and the Federal Circuit. Applicant should not have to guess where in those 37 columns the Office Action allegedly finds the claim elements it purportedly discloses. A review of the reference yields no disclosure of grouping trenches at all, let alone disclosing “grouping the devices by forming grouping trenches in the wafer around sets of at least two of the individual devices of a common type” as recited in that claim.

Indeed, it is respectfully submitted that all of the pending claims are patentable on that ground because all of the pending claims include “grouping trenches” and that aspect is neither taught nor suggested by Doerr or Deacon, taken individually or collectively.

For that reason alone, all of the claims are patentably nonobvious over Doerr and Deacon taken individually or in combination.

In addition, the Office Action makes erroneous statements regarding the content of the references which further refute the positions taken therein with respect to obviousness. For example, the Office Action states that reference numeral 102 identifies optical devices of a common type. That assertion is incorrect. One of the two devices labeled 102 in Doerr is a transmitter (denoted Tx) and the other is a receiver (denoted Rx). In order to be of a “common device type” according to the teachings of the present invention, both would have to be a “Tx” or both would have to be an “Rx” such that one could be substituted for the other as a replacement – the very purpose of redundancy. Substituting a transmitter for a receiver is not redundancy because the two have very different purposes.

Next, the Office Action asserts that Doerr element 104 renders Tx and Rx “independently selectable. This too is in error because, as is evident from the drawings, the switch 104 is a double pole, single throw (DPST) switch. As a result BOTH Tx and Rx are connected or disconnected together, not individually.

Still further, the Office Action asserts that element 401 of Doerr is a laser when, in fact, it is expressly labeled and stated to be ALEDs in the figures and cited passages. Similarly, and not surprisingly, Doerr says absolutely nothing about distributed Bragg reflector lasers at all.

Moreover, the ALEDs of Doerr are all “edge emitting” devices. Thus, contrary to the assertions of the Office Action, there is also no disclosure in Doerr whatsoever of top emitting/receiving devices or bottom emitting/receiving devices as recited in claims 3, 4, 8, 9, 16, 17, 21 and 22 and those claims are nonobvious for this further reason.

CONCLUSION

For all of the forgoing reasons, it is respectfully submitted that all of the pending claims are allowable and early favorable action in that regard is solicited. In the event any issues remain that could potentially be resolved by telephone, the Examiner is urged to contact the undersigned at the number indicated below.

Should any additional fee(s) be required for the entry of this Amendment, the Commissioner is hereby authorized to charge Deposit Account No. **13-4500**, Order No. **4024-4008**.

Respectfully submitted,

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By:


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